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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 VAFA SHAMSAI-NEJAD,)
10)
11 Plaintiff,) 2:12-cv-0538-KJD-RJJ
12 vs.)
13 CAM FERENBACH,) REPORT & RECOMMENDATION
14) OF UNITED STATES
15 Defendant,) MAGISTRATE JUDGE
16 _____)

17 This matter is before the Court on the failure of Plaintiff, Vafa Shamsai-Nejad, to appear
18 at the status hearing scheduled for May 16, 2012.

19 The Court having reviewed this matter hereby makes the following findings:

20 1. On April 19, 2012, the Court entered an Order (#2) scheduling a status hearing in
21 this case for May 16, 2012.

22 2. The Order (#2) was served on the Plaintiff, Vafa Shamsai-Nejad, by United States
23 Postal Service Certified Mail. *See*, Certified Mail Receipt (#3).

24 3. The Certified Order was signed for by the Plaintiff, Vafa Shamsai-Nejad, on April
25 20, 2012. *See*, Signed Return of Certified Mail Receipt (4).

26 4. Plaintiff, Vafa Shamsai-Nejad, did not appear at the hearing on May 16, 2012.
27 Further, Plaintiff did not seek a continuance or provide a reason for his failure to
28 appear.

1 5. The Court has reviewed the proposed Complaint attached to the Motion for Leave
2 to Proceed In Forma Pauperis (#1) as Attachment 1. Upon review the Court finds
3 that Plaintiff challenges a decision by a magistrate judge in another case. Plaintiff
4 is unable to amend the proposed complaint to state a valid cause of action.

5 Based on the foregoing and good cause appearing therefore,

RECOMMENDATION

7 IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that this case be
8 **DISMISSED WITH PREJUDICE.**

NOTICE

10 Pursuant to Local Rule IB 3-2 [former LR 510-2] any objection to this Report and
11 Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14)
12 days after service of this Notice. The Supreme Court has held that the courts of appeal may
13 determine that an appeal has been waived due to the failure to file objections within the specified
14 time. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986). This Circuit has
15 also held that (1) failure to file objections within the specified time and (2) failure to properly
16 address and brief the objectionable issues waives the right to appeal the District Court's order
17 and/or appeal factual issues from the order of the District Court. Martinez v. Ylst, 951 F.2d 1153
18 (9th Cir. 1991); Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

19 DATED this 24th day of May, 2012.

Robert J. Johnston
ROBERT J. JOHNSTON
United States Magistrate Judge